

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In the Matter of the Arbitration

\_\_ CV \_\_ ( )

-between-

COMPAÑÍA ESPAÑOLA DE PETRÓLEOS, S.A.,

Petitioner,

-and-

CHIMBUSCO PAN NATION PETRO-CHEMICAL  
CO. LTD.,

Respondent.

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**DECLARATION OF JAMES D. KLEINER IN SUPPORT OF  
PETITION TO COMPEL ARBITRATION**

1. I am a partner in the law firm of Hill, Betts & Nash LLP, attorneys for petitioner, COMPAÑÍA ESPAÑOLA DE PETRÓLEOS, S.A., in this action. I am admitted to practice in the courts of this State and in this Court.

2. I am familiar with the facts herein based upon my participation as counsel. I make this declaration in support of the accompanying Petition to Compel Arbitration.

3. Annexed hereto are true and accurate copies of Exhibits 1-6 in Support of the Petition:

Exhibit 1. Email chain dated December 14, 2021, confirming the parties' bunker sale Contract for supply of marine fuel to M/V LEDRA

Exhibit 2. Petitioner CEPESA's General Terms and Conditions (Revision 1.2 2019 Amendments) incorporated into the Contract

- Exhibit 3. Email dated February 17, 2022, on behalf of petitioner demanding New York arbitration
- Exhibit 4. Email dated March 3, 2022, from Clyde & Co, Hong Kong, requesting 21-day extension for respondent to nominate second arbitrator
- Exhibit 5. Email dated March 4, 2022, from Hill, Betts & Nash LLP, requesting respondent's acknowledgement of the obligation to arbitrate
- Exhibit 6. Email dated March 8, 2022, from Clyde & Co, Hong Kong, nominating second arbitrator, with expanded reservation of respondent's rights "including but not limited to the rights to challenge [petitioner's] purported commencement of the arbitration and/or the jurisdiction of the Tribunal."

4. I have reviewed the Petition and I believe the contents thereof to be true to the best of my knowledge.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: New York, New York  
March 10, 2022

/s/ James D. Kleiner  
JAMES D. KLEINER